

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

STATE OF NEW YORK, *et al.*,

Plaintiffs,

v.

PRESIDENT DONALD TRUMP, *et al.*,

Defendants.

CIVIL ACTION
25-cv-1144 (JAV)

**UNOPPOSED MOTION BY THE STATE OF IOWA AND 19 OTHER STATES FOR
LEAVE TO FILE *AMICUS CURIAE* BRIEF IN SUPPORT OF DEFENDANTS**

The State of Iowa and 19 other States respectfully move for leave to submit the attached *amicus curiae* brief in support of Defendants. The proposed *amicus* brief is attached to this motion. Plaintiffs and Defendants do not object to the filing of this amicus brief. Proposed *Amici* are States with a vested interest in ensuring the proper interpretation of the Constitution. Plaintiffs’ attempt to assert themselves into the operation of the Executive branch of federal government is improper. And given that the Plaintiffs in this case are also States, *amici*’s perspective ensures that the Court is aware of strong counterarguments from States as to how their position may affect State interests.

The States’ Motion for Leave to File an Amicus Brief is timely. Mindful of how this matter is proceeding expeditiously, the States filed its brief promptly after this Court’s decision setting a hearing. (Dkts. 28, 29.) This Amicus Brief was filed prior to this Court’s scheduled hearing regarding a preliminary injunction on February 14, 2025. (Dkt. 29.)

Federal district courts possess the inherent authority to accept amicus briefs. *Boston Gas Co. v. Century Indem. Co.*, 2006 WL 1738312, at *1 n.1 (D. Mass. 2006). The role of an *amicus curiae* “is to assist the court in cases of general public interest by making suggestions to the court, by providing supplementary assistance to existing counsel, and by ensuring a complete and plenary

presentation of difficult issues so that the court may reach a proper decision.” *Students for Fair Admissions, Inc. v. President & Fellows of Harvard Coll.*, 308 F.R.D. 39, 52 (D. Mass.) (internal quotations omitted). Indeed, federal district courts “frequently welcome amicus briefs from non-parties concerning legal issues that have potential ramifications beyond the parties directly involved.” *NGV Gaming, Ltd. v. Upstream Point Molate, LLC*, 355 F.Supp.2d 1061, 1067 (N.D. Cal. 2005).

No Federal Rule or statute dictates how district judges decide petitions to appear as *amicus curiae*. But most courts “look to the Federal Rules of Appellate Procedure for guidance on permitting amicus briefs.” *Friends of Animals v. United States Fish & Wildlife Serv.*, 2021 WL 4440347, at *1 (D. Utah 2021). The Federal Rules of Appellate Procedure allow a State to file an amicus brief “without the consent of the parties or leave of court.” Fed. R. App. P. 29(a)(2). That rule reveals a strong policy preference for allowing States to provide their perspective and represent their interests.

Defendants raise serious concerns relating to Plaintiffs’ standing to bring this suit. But none of those concerns extend to the traditional role of *amici*—nonparties acting as friends of the Court to bring their unique perspective to highlight foreseeable consequences of the Court’s actions. States are invested in our Federalist system and, as States are Plaintiffs here, proposed *amici curiae* will provide a unique and helpful counter-perspective to the Court.

Because of the States’s important role in our Constitutional order in our federalist system, the States have a unique perspective “that can help the court beyond the help that the lawyers for the parties are able to provide.” *Ryan v. Commodity Futures Trading Comm’n*, 125 F.3d 1062, 1064 (7th Cir. 1997). This Court would benefit from following the guidance of the Federal Rules and granting the motion.

CONCLUSION

For the above reasons, the State of Iowa and 19 other States request the Court's leave to file an amicus brief.

Dated: February 13, 2025

Respectfully submitted,

BRENNA BIRD
Attorney General of Iowa
Eric H. Wessan*
Solicitor General
Office of the Attorney General
305 E Walnut Street, 2nd Floor
Des Moines, Iowa 50319
(515) 823-9117
eric.wessan@ag.iowa.gov

*Application for *pro hac vice*
admission forthcoming

By: /s/ David H. Thompson
David H. Thompson*
COOPER & KIRK, PLLC
1523 New Hampshire Avenue, N.W.
Washington, D.C. 20036
Tel: (202) 220-9659
Fax: (202) 220-9601
dthompson@cooperkirk.com

*Application for *pro hac vice*
admission pending

Counsel for Amicus Curiae States

CERTIFICATE OF SERVICE

I certify that on February 13, 2025, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which automatically sends email notification of such filing to registered participants. Any other counsel of record will receive the foregoing via email in PDF format.

/s/ David H. Thompson

David H. Thompson

Counsel for Amici Curiae

CERTIFICATE OF CONFERRAL

I hereby certify that Counsel for the Amicus has conferred with the parties about the relief sought in this motion. The Defendants have indicated that they take no position to this motion. The Plaintiffs have indicated that they do not object to this motion.

/s/ David H. Thompson

David H. Thompson

Counsel for Amici Curiae